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Crl.OP.No.16437 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.16437 of 2023

Mani

...Petitioner

Vs.

The State Rep by its
Sub Inspector of Police,
Kondalampatti P.S., Salem.
(Crime No.281 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.281 of 2023 on the file of the respondent Police.

For Petitioner : Mr.M.Janarthanan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2023 for the offences punishable under Sections 8 (c), 20 (b) (ii) (B) of NDPS Act, in Crime No.281 of 2023 on the file of the



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respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as an accused in Crime No.281 of 2023 for the offences under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS Act. He is in judicial custody from 23.05.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 22.05.2023, at about 19.25 hours, the respondent Police found four accused in this case on suspicious circumstances, in a bridge in front of Karapuranadar temple, Uthamasozhapuram. After following necessary procedure, search was conducted and accused was found in illegal possession of 2 kg 100g of Ganja. Ganja and vehicles bearing Nos. TN 54 C 9653 and TN 90 A 6954 used by the accused were seized. Petitioner has no similar previous case against him.

4.Considered the rival submissions and perused the records.

5.Considering the fact that Ganja and vehicles used by the accused



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had been seized, that petitioner is in judicial custody from 23.05.2023, that petitioner has no similar case pending against him, and that material part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/-** (Rupees Ten Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **Special Court for EC/NDPS Act Cases, Salem**, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police at 10.00.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the



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learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Special Court
for E.C. & NDPS Act Cases, Salem.
- 2.The Sub Inspector of Police,
Kondalampatti P.S., Salem.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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